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In re Application of	:	DECISION ON
Heinz FOCKE et al	:	
PCT No.: PCT/EP2003/008524	:	
Application No.: 10/525,071	:	PAPERS FILED
Int. Filing Date: 01 August 2003	:	
Priority Date: 21 August 2002	:	
Attorney's Docket No.: Q-86252	:	UNDER 37 CFR 1.42
For: DEVICE FOR PRODUCING FILTER	:	
CIGARETTES	:	

This is a decision on the declaration filed 22 November 2003, which has been treated as a request for status under 37 CFR 1.42.

**BACKGROUND**

On 18 February 2005, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia, the requisite basic national fee as required by 35 U.S.C. 371(c)(1). Applicants, however, did not satisfy the requirement set forth by 35 U.S.C. 371(c)(4) because an executed oath or declaration was not provided at such time.

On 17 November 2005, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by International application number and international filing date" must be submitted within two(2) months from date of this Notice or by 32 months from the priority date, whichever is later, in order to avoid abandonment of the national stage application.

To satisfy the requirements of 35 U.S.C. 371(c)(4) that an oath or declaration of the inventor be submitted, applicant submitted on 13 January 2006 a declaration indicating that Jurgen Focke is the legal representative of the deceased inventor, Heinz FOCKE.

**DISCUSSION**

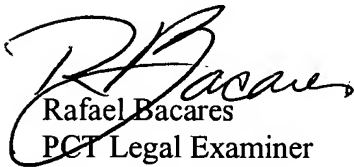
The declaration is accepted under 37 CFR 1.42 because it includes the citizenship and mailing addresses of Doris Focke and Jurgen Focke (legal representatives) and of deceased inventor, Heinz FOCKE. Accordingly, applicants have satisfied the requirements under 37 CFR 1.42.

Thus, the requirements under 35 USC 371(c) are satisfied.

**CONCLUSION**

For the above reasons, the submission of the declaration under 37 CFR 1.42 is **ACCEPTED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations until commencement of national stage processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) is **13 January 2006**.



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